

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7399 of 2004

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SAKHEE DYEING & PRINTINGS        MILLS PVT. LTD.

Versus

UNION OF INDIA  
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Appearance:

1. Special Civil Application No. 7399 of 2004

MR PR NANAVALI for Petitioner No. 1

MS DHARMISHTA RAVAL for Respondent No. 1

MR JITENDRA MALKAN for Respondent No. 1

DS AFF.NOT FILED (N) for Respondent No. 2-4  
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CORAM : HON'BLE MR.JUSTICE B.J.SHETHNA

and

HON'BLE MR.JUSTICE SHARAD D.DAVE

Date of Order: 15/09/2004

ORAL ORDER

(Per : HON'BLE MR.JUSTICE B.J.SHETHNA)

Rule.

Learned Standing Counsel Mr.Malkan waives service of rule for respondents.

Heard learned counsel for the parties.

By way of this petition, the petitioner sought to challenge the common order (Annexure-A) dated 26.3.2004 passed by the Custom Excise & Service Tax Appellate Tribunal, West Regional Bench at Mumbai (for short "the Tribunal") in stay application Nos.E/S/2112 and 2113/03 filed in Appeal Nos.E/3067 & 3068/03 whereby the learned Appellate Tribunal dismissed both the stay applications and directed the appellants to deposit the entire amount of duty within 8 weeks from the date of the order along with outstanding amount of penalties as required under the impugned order challenged before the learned Tribunal.

When there were two separate stay applications filed in two separate appeals, then the petitioner was required to file two separate petitions before this court. When this fact was brought to the notice of learned counsel Mr.Nanavaty for the petitioner, then after tendering his sincere apology to the court for filing only one petition, he requested this court to file another separate petition in stay Application No.E/S/2113/03 filed in Appeal No.E/3068/03 and requested this court to treat this petition being filed in E/S/2112/03 in Appeal No.E/3067/03.

Having regard to the peculiar facts and circumstances of the case, as a special case, this request is granted on the condition that separate petition is filed and moved today itself before this court by the petitioner.

(B.J.Shethna, J.)

(Sharad D. Dave, J.)

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